

# HOUSE BILL REPORT

## HB 2745

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### As Reported by House Committee On: Environmental Health

**Title:** An act relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program.

**Brief Description:** Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program.

**Sponsors:** Representatives Hudgins, Campbell and Upthegrove; by request of Washington State Department of Commerce.

#### **Brief History:**

##### **Committee Activity:**

Environmental Health: 1/20/10, 1/27/10 [DPS].

#### **Brief Summary of Substitute Bill**

- Modifies the state lead-based paint program to include renovators and dust sampling technicians in compliance with changes in rules adopted by the U.S. Environmental Protection Agency.

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### HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson, Dunshee, Finn, Hudgins and Rolfes.

**Staff:** Pam Madson (786-7111).

#### **Background:**

Lead was commonly used in paint until it was banned for residential use in 1978. Exposure to lead can be highly toxic, especially to children ages six and younger. Ingesting or breathing dust from lead-based paint is the most common form of lead exposure. Dust is released by the deterioration of paint and can occur during remodeling activities.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act. Under this law, the U.S. Environmental Protection Agency (EPA) and other federal agencies developed a national program to prevent and reduce lead-based paint exposures and hazards. This law allows states and Indian tribes to operate programs with authorization from the EPA and in 2004 Washington implemented a lead-based paint program (program). The state program provides work practice standards for lead-based paint activities, requires certification and training of paint professionals and firms working with lead-based paint activities, and provides accreditation of trainers who offer training courses that lead to certification.

Lead-based paint activities include inspections to identify lead-based paint, risk assessments to find lead-based paint hazards, and abatement activity designed to permanently remove lead-based paint hazards.

The state program meets federal requirements for lead-based paint activities and is funded by federal money. The program may cease if federal money is not available.

In April 2008 the EPA adopted a rule that requires contractors performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities, and schools, built before 1978, to be certified and to follow specific work practices to prevent lead contamination. This rule is effective in April 2010. Compliance with federal law includes changes in rules adopted by the EPA.

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### **Summary of Substitute Bill:**

Renovators and dust sampling technicians are subject to the requirements of the state's lead-based paint activities program. Individuals involved in modification of homes, child care facilities and schools, built before 1978, must now meet the requirements for training and certification similar to those individuals currently involved in lead-based paint activities such as inspections, risk-assessments, and abatement activity.

Work practice standards must include all lead-based paint activities.

The Department of Commerce (Department) is authorized to issue badges with photo identification for workers who are involved in renovation and dust sampling activities involving lead-based paint. The Department may assess a fee to process the application.

The state must inform the Code Reviser when it has ceased implementation of the program due to lack of federal funding.

### **Substitute Bill Compared to Original Bill:**

The substitute bill clarifies that the definition of renovation does not include minor repair and maintenance activities consistent with the federal rule.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is an agency request bill to harmonize our state law with new federal regulations. New federal rules take effect in April of this year and renovators and dust samplers will have to comply with the federal program. It makes sense to have the Department run this lead renovation program rather than the EPA. It will be a one-stop shop because the Department currently runs the lead abatement program. This program is federally funded and no state money is used. There are over 400,000 homes older than 1978 and approximately 10,000 people will be involved in renovating these homes. The state is better staffed to provide oversight for this program. If the state does not run the program, the EPA will be the regulating agency. The cost may be higher to individuals if run by the federal agency. The Lead Chemical Action Plan (CAP) found that lead-based paint is the largest source of lead exposure for children. Sixty percent of homes were built before 1978 when lead-based paint was banned. This bill helps to reduce the exposure of lead to children. It implements a recommendation of the Lead CAP that the Department seek delegation authority to implement the EPA's new renovation and repair rules.

(Opposed) A point of clarification is needed. The words in the bill do not seem to limit renovation to residential housing and child-occupied buildings.

**Persons Testifying:** (In support) Representative Hudgins, prime sponsor; Will Graham and Cynthia Sanderson, Department of Commerce; and Holly Davies, Department of Ecology.

(Opposed) Van Collins, Associated General Contractors.

**Persons Signed In To Testify But Not Testifying:** None.